

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TONY JOYCE, # 192555,)
Petitioner,)
v.) CIVIL ACTION NO. 2:08cv743-WHA
GRANT CULLIVER, *et al.*,) (WO)
Respondents.)

OPINION and ORDER

This litigation is now before the court on the recommendation of the United States Magistrate Judge entered on September 15, 2008, (Doc. # 4), that this case be dismissed in accordance with the provisions of 28 U.S.C. § 2244(b)(3) as the Petitioner failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing the federal district court to consider his successive habeas application. After a review of the recommendation, to which no timely objections have been filed, and after an independent review of the entire record, the court adopts the Recommendation, and, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED, that the Plaintiff's petition for habeas corpus relief is DENIED, and this case is hereby DISMISSED.

An appropriate judgment will be entered.

Done this the 22nd day of October, 2008.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE